

By: Senator(s) Johnson (38th)

To: Labor; Appropriations

SENATE BILL NO. 2356

1 AN ACT TO ESTABLISH A MISSISSIPPI DEPARTMENT OF  
2 LABOR-MANAGEMENT RELATIONS AND TO SET FORTH AND PRESCRIBE THE  
3 FUNCTIONS OF ADMINISTRATIVE OFFICES WITHIN THE DEPARTMENT; TO  
4 CREATE AND EMPOWER A STATE BOARD OF LABOR-MANAGEMENT RELATIONS; TO  
5 PROVIDE FOR THE APPOINTMENT OF AN EXECUTIVE DIRECTOR OF THE  
6 DEPARTMENT; TO AMEND SECTION 71-5-101, MISSISSIPPI CODE OF 1972,  
7 TO PROVIDE THAT THE STATE BOARD FOR LABOR-MANAGEMENT RELATIONS  
8 SHALL BE THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION; TO REPEAL  
9 SECTIONS 71-5-103, 71-5-105 AND 71-5-107, MISSISSIPPI CODE OF  
10 1972, WHICH PROVIDE FOR MEETINGS OF THE MISSISSIPPI EMPLOYMENT  
11 SECURITY COMMISSION; TO AMEND SECTION 71-1-1, MISSISSIPPI CODE OF  
12 1972, TO EMPOWER THE DEPARTMENT OF LABOR-MANAGEMENT RELATIONS TO  
13 REGULATE OCCUPATIONAL HEALTH AND SAFETY STANDARDS AND ENFORCE ALL  
14 LABOR LAWS IN THE STATE OF MISSISSIPPI; TO AMEND SECTIONS 71-1-25  
15 AND 71-1-27, MISSISSIPPI CODE OF 1972, TO EMPOWER THE DEPARTMENT  
16 OF LABOR-MANAGEMENT RELATIONS TO ENFORCE CHILD LABOR LAWS; TO  
17 TRANSFER RESPONSIBILITIES AND FUNDS FOR ALL WORK FORCE TRAINING  
18 PROGRAMS THAT PROVIDE POSTSECONDARY TRAINING SERVICES TO ADULTS  
19 CURRENTLY ADMINISTERED BY THE STATE BOARD FOR COMMUNITY AND JUNIOR  
20 COLLEGES, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF  
21 ECONOMIC AND COMMUNITY DEVELOPMENT, THE DEPARTMENT OF HUMAN  
22 SERVICES AND THE MISSISSIPPI EMPLOYMENT SECURITY COMMISSION TO THE  
23 OFFICE OF JOB DEVELOPMENT AND TRAINING OF THE MISSISSIPPI  
24 DEPARTMENT OF LABOR-MANAGEMENT RELATIONS; TO AUTHORIZE THE OFFICE  
25 OF JOB DEVELOPMENT AND TRAINING OF THE MISSISSIPPI DEPARTMENT OF  
26 LABOR-MANAGEMENT RELATIONS TO BE THE SOLE SINGLE ADMINISTRATOR AT  
27 THE STATE LEVEL FOR ALL ADULT WORK FORCE TRAINING FUNDS CURRENTLY  
28 ADMINISTERED BY THE AFOREMENTIONED STATE AGENCIES; TO CODIFY  
29 SECTION 37-4-17, MISSISSIPPI CODE OF 1972, AND TO AMEND SECTIONS  
30 37-3-25, 37-31-205 THROUGH 37-31-211 AND 57-1-56, MISSISSIPPI CODE  
31 OF 1972, IN CONFORMITY; TO REPEAL SECTIONS 7-1-351, 7-1-355,  
32 7-1-357, 7-1-361, 7-1-363, 7-1-365 AND 7-1-371, MISSISSIPPI CODE  
33 OF 1972, WHICH AUTHORIZE THE DEPARTMENT OF ECONOMIC AND COMMUNITY  
34 DEVELOPMENT TO ADMINISTER, ISSUE REGULATIONS AND ENTER INTO  
35 CONTRACTS REGARDING THE FEDERAL COMPREHENSIVE EMPLOYMENT AND  
36 TRAINING ACT PROGRAMS; TO PRESCRIBE THE RESPONSIBILITIES OF THE  
37 OFFICE OF EMPLOYEE RELATIONS AND JOB DISCRIMINATION AND THE OFFICE  
38 OF DISABLED EMPLOYEE ASSISTANCE WITHIN THE DEPARTMENT; AND FOR  
39 RELATED PURPOSES.

40 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

41 **SECTION 1.** The following terms shall have the meanings  
42 ascribed herein, unless the context shall otherwise require:

43 (a) "Board" means the State Board of Labor-Management  
44 Relations;



45           (b) "Executive director" means the Executive Director  
46 of the State Department of Labor-Management Relations;

47           (c) "Department" means the State Department of  
48 Labor-Management Relations;

49           (d) "Director" means the administrative head of an  
50 office; and

51           (e) "Office" means an administrative subdivision of the  
52 department.

53           SECTION 2. (1) There is hereby created the Mississippi  
54 Department of Labor-Management Relations for the following  
55 purposes:

56           (a) To coordinate employer-employee services and  
57 relations;

58           (b) To establish one (1) comprehensive work force  
59 training system in the State of Mississippi that is focused on  
60 achieving results, using resources efficiently and ensuring that  
61 workers and employers can easily access needed training services;  
62 and

63           (c) To provide work force training activities, through  
64 statewide and local work force training systems, that increase the  
65 employment, retention and earnings of participants, and increase  
66 occupational skill attainment by participants and, as a result,  
67 improve the quality of the work force, reduce welfare dependency  
68 and enhance the productivity and competitiveness of the state.

69           (2) The department shall be composed of the following  
70 offices:

71           (a) The Office of Employment Security;

72           (b) The Office of Workplace Safety and Health;

73           (c) The Office of Job Development and Training;

74           (d) The Office of Employee Relations and Job

75 Discrimination; and

76           (e) The Office of Disabled Employee Assistance.



77           **SECTION 3.** (1) There shall be a board of five (5) members  
78 to be known as the Mississippi Board of Labor-Management  
79 Relations. Two (2) members of said board shall be representatives  
80 of employees. Two (2) members of said board shall be  
81 representatives of employers. One (1) member of said board shall  
82 be a representative of the general public. The members of the  
83 board shall be appointed by the Governor, with the advice and  
84 consent of the Senate, one (1) from each Mississippi congressional  
85 district, and the Governor shall designate one (1) member as  
86 chairman. The members of the board shall serve terms of office as  
87 follows:

88           (a) The term of the member from the First Congressional  
89 District shall expire on July 1, 2004;

90           (b) The term of the member from the Second  
91 Congressional District shall expire on July 1, 2007;

92           (c) The term of the member from the Third Congressional  
93 District shall expire on July 1, 2006;

94           (d) The term of the member from the Fourth  
95 Congressional District shall expire on July 1, 2005; and

96           (e) The term of the member from the Fifth Congressional  
97 District shall expire on July 1, 2006.

98           Thereafter the term of office of each member shall be four  
99 (4) years, with said terms expiring at two-year intervals. Any  
100 appointment to a vacancy shall be for the unexpired term in  
101 question, and from the congressional district in which such  
102 vacancy occurred. No member shall, during his term of office,  
103 serve as an officer or committee member of any political party  
104 organization.

105           (2) The board shall elect a chairperson from its membership  
106 at the first meeting of the original board members and every two  
107 (2) years thereafter on July 15 of the year. A majority of the  
108 membership of the board shall constitute a quorum for the  
109 transaction of any business, and the board shall meet at least



110 quarterly and hold other meetings as are necessary for the purpose  
111 of conducting required business. All meetings of the board shall  
112 be called by the chairperson, except the first meeting of the  
113 original board members, which shall be called by the Governor.

114 (3) The appointed members of the board shall be compensated  
115 at a per diem rate as authorized by Section 25-3-69, Mississippi  
116 Code of 1972, plus actual and necessary expenses as authorized by  
117 Section 25-3-41, Mississippi Code of 1972.

118 **SECTION 4.** The Department of Labor-Management Relations  
119 shall provide the labor-management services authorized by law and  
120 by the rules, regulations and policies of the board to every  
121 individual determined to be eligible therefor, and in carrying out  
122 the purposes of this act the department is authorized, when  
123 consistent with the rules, regulations and policies of the State  
124 Board of Labor-Management Relations:

125 (a) To expend funds received either by appropriation or  
126 directly from federal or private sources;

127 (b) To cooperate with other departments, agencies and  
128 institutions, both public and private, in providing the services  
129 authorized by this act to individuals, in studying the problems  
130 involved therein, and in establishing, developing and providing in  
131 conformity with the purposes of this act, such programs,  
132 facilities and services as may be necessary or desirable;

133 (c) To enter into reciprocal agreements with other  
134 states to provide for the services authorized by this act to  
135 residents of the states concerned;

136 (d) To conduct research and compile statistics relating  
137 to the provision of services to or the need of services by  
138 individuals;

139 (e) To enter into contractual arrangements with the  
140 federal government and with other authorized public agencies or  
141 persons for performance of services related to labor-management;



142 (f) To take such action as may be necessary to enable  
143 the department to apply for, accept and receive for the state and  
144 its residents the full benefits available under any federal  
145 legislation or program having as its purpose the providing of,  
146 improvement or extension of, labor-management services.

147 **SECTION 5.** (1) The State Board of Labor-Management  
148 Relations shall appoint an Executive Director of the State  
149 Department of Labor-Management Relations, in accordance with  
150 standards established by the State Personnel Board and on the  
151 basis of his education, training, experience and demonstrated  
152 ability. The executive director shall serve as secretary and  
153 executive officer of the board, and he shall serve at the will and  
154 pleasure of the board. The salary of the executive director shall  
155 be set by the board, subject to the approval of the State  
156 Personnel Board, and shall be provided for out of any funds made  
157 available for such purpose by the Legislature, the federal  
158 government or other gifts or grants. The executive director shall  
159 be responsible to the board for the proper administration of the  
160 programs of labor-management relations provided under this act in  
161 conformity with the policies adopted by the board and shall be  
162 responsible for appointing directors of offices and any necessary  
163 supervisors, assistants and employees. The salary and  
164 compensation of such employees shall be subject to the rules and  
165 regulations adopted and promulgated by the State Personnel Board  
166 as created under Section 25-9-101 et seq., Mississippi Code of  
167 1972.

168 (2) In carrying out his duties under this act, the Executive  
169 Director of the State Department of Labor-Management Relations:

170 (a) Shall, with the approval of the board, promulgate  
171 regulations governing personnel standards, the protection of  
172 records and confidential information, the manner and form of  
173 filing applications, eligibility and investigation and  
174 determination therefor, for labor-management services, procedures



175 for fair hearings and such other regulations as he finds necessary  
176 to carry out the purposes of this act and in conformity with  
177 federal law;

178 (b) Shall, with the approval of the board, establish  
179 appropriate subordinate administrative units within the  
180 department;

181 (c) Shall prepare and submit to the board and the  
182 Legislature annual reports of activities and expenditures and,  
183 before each regular session of the Legislature, coordinate budget  
184 requests required for carrying out this act and estimates of the  
185 amounts to be made available for this purpose from all sources;

186 (d) Shall be empowered to exercise executive and  
187 administrative supervision over all institutions, offices,  
188 programs and services now existing or hereafter acquired or  
189 created under the jurisdiction of the department;

190 (e) Shall make certification for disbursement, in  
191 accordance with regulations, of funds available, for implementing  
192 the purposes of this act;

193 (f) Shall, with the approval of the board, take such  
194 other action as he deems necessary or appropriate to effectuate  
195 the purposes of this act;

196 (g) May, with the approval of the board, delegate to  
197 any officer or employee of the department such of his powers and  
198 duties as he finds necessary to effectuate the purposes of this  
199 act.

200 **SECTION 6.** Section 71-5-101, Mississippi Code of 1972, is  
201 amended as follows:

202 71-5-101. (1) There shall be a commission of three (3)  
203 members to be known as the Mississippi Employment Security  
204 Commission. One (1) member of said commission shall be a  
205 representative of employees. The members of the commission shall  
206 be appointed by the Governor, one (1) from each Supreme Court  
207 district, and the Governor shall designate one (1) member as



208 chairman. The commissioners initially appointed shall serve for  
209 terms of two (2), four (4) and six (6) years respectively, as  
210 designated by the Governor. Thereafter the term of office of each  
211 commissioner shall be four (4) years, with said terms expiring at  
212 two-year intervals. Any appointment to a vacancy shall be for the  
213 unexpired term in question, and from the Supreme Court district in  
214 which such vacancy occurred. No commissioner shall, during his  
215 term of office, serve as an officer or committee member of any  
216 political party organization.

217 (2) From and after July 1, 2003, the State Board of  
218 Labor-Management Relations created under Section 3 of Senate Bill  
219 No. \_\_\_\_\_, 2003 Regular Session, shall be the Mississippi  
220 Employment Security Commission. From and after July 1, 2003, the  
221 Mississippi Employment Security Commission shall be abolished,  
222 provided that any member of the commission presently serving may  
223 be appointed to the Board of Labor-Management Relations if  
224 otherwise eligible for such appointment. Any reference in Senate  
225 Bill No. \_\_\_\_\_, 2003 Regular Session, to "Mississippi Employment  
226 Security Commission" or "commission" shall mean the State Board of  
227 Labor-Management Relations created in Senate Bill No. \_\_\_\_\_, 2003  
228 Regular Session.

229 **SECTION 7.** Sections 71-5-103, 71-5-105 and 71-5-107,  
230 Mississippi Code of 1972, which provide for meetings of the  
231 Mississippi Employment Security Commission, are hereby repealed.

232 **SECTION 8.** Section 71-1-1, Mississippi Code of 1972, is  
233 amended as follows:

234 71-1-1. (1) The Office of Workplace Safety and Health of  
235 the Department of Labor-Management Relations is authorized to  
236 establish an occupational health and safety program and is  
237 empowered:

238 (a) To employ such qualified personnel as staff to  
239 carry out the duties and responsibilities set forth herein;



240 (b) To develop and make available upon request to all  
241 employers of the state, including public employers, information,  
242 consultation and assistance related to safety and health laws,  
243 regulations, measures and standards; to participate and assist  
244 with training and educational programs, directed toward employee  
245 safety and disease prevention;

246 (c) To employ such personnel and procure such equipment  
247 as necessary to provide on-site consultive services related to  
248 assistance, information, education or training of employers and  
249 employees toward compliance with safety and health standards and  
250 toward the establishment of safety and health programs to prevent  
251 work-connected disabilities;

252 (d) To collect, compile and report statistics related  
253 to work-connected disabilities in Mississippi; such statistical  
254 work shall be performed in cooperation with other  
255 statistic-gathering agencies with the federal and state  
256 governments. Such statistical reports as may be available shall  
257 be made known to employers and employees.

258 (e) To receive such federal or state grants and  
259 appropriations as available to further the education, training and  
260 assistance to the employers and employees of Mississippi in  
261 preventing work-connected disabilities.

262 (f) Nothing in this section shall be construed as  
263 authorizing the department to administer or enforce in any way the  
264 federal Occupational Safety and Health Act, known as OSHA.

265 (2) In addition to such other duties and powers as may be  
266 conferred by law, the Office of Workplace Safety and Health of the  
267 Department of Labor-Management Relations shall have the power,  
268 jurisdiction and authority:

269 (a) To superintend the enforcement of all labor laws in  
270 the State of Mississippi, the enforcement of which is not  
271 otherwise specifically provided for, and all rules and regulations  
272 made pursuant thereto;





273           (b) To make or cause to be made all necessary  
274 inspections to see that all laws and rules made pursuant thereto  
275 which the division has the duty, power and authority to enforce,  
276 are promptly and effectively carried out;

277           (c) To make investigations, collect and compile  
278 statistical information and report upon the conditions of labor  
279 generally, and upon all matters relating to the enforcement and  
280 effect of the provisions of this section and of the rules issued  
281 thereunder;

282           (d) To make and promulgate such rules, or changes in  
283 rules, as it may deem advisable for the prevention of accidents or  
284 the prevention of industrial or occupational diseases in every  
285 employment or place of employment, and such rule, or changes in  
286 rules, for the construction, repair and maintenance of places of  
287 employment, places of public assembly, and public buildings as it  
288 may deem advisable to render them safe. The division may appoint  
289 committees composed of employers, employees and experts to suggest  
290 rules or changes therein;

291           (e) To order such reasonable changes in the  
292 construction, maintenance and repair of places of employment as  
293 shall render them safe; and

294           (f) To require the performance of any act necessary for  
295 the protection of life, health and safety of employees.

296           **SECTION 9.** Section 71-1-25, Mississippi Code of 1972, is  
297 amended as follows:

298           71-1-25. (1) It shall be the duty of the Office of  
299 Workplace Safety and Health of the Department of Labor-Management  
300 Relations to inspect employers under its jurisdiction for  
301 compliance with the child labor provisions of the Mississippi Code  
302 of 1972.

303           (2) It shall be the duty of the Office of Workplace Safety  
304 and Health to visit, without notice of its intention to do so, all  
305 mills, canneries, workshops, factories, or manufacturing



306 establishments employing child labor \* \* \* at least twice each  
307 year, or more often if requested by the sheriff, and to promptly  
308 report to the sheriff any unsanitary condition of the premises,  
309 any child or children afflicted with infectious, contagious, or  
310 communicable diseases, or whose physical condition renders such  
311 child or children incapacitated to perform the work required of  
312 them. The sheriff shall promptly remove such child or children  
313 from such mill, cannery, workshop, factory or manufacturing  
314 establishment, and order the premises put in sanitary condition.  
315 The judgment of the Office of Workplace Safety and Health as to  
316 the physical condition of the children and the sanitary condition  
317 of the premises shall be final and conclusive.

318 (3) Every employer shall furnish employment which shall be  
319 reasonably safe for the employees therein and shall furnish and  
320 use safety devices and safeguards, and shall adopt and use methods  
321 and processes reasonably adequate to render such an employment and  
322 place of employment safe and shall do every other thing reasonably  
323 necessary to protect the life, health, safety and welfare of such  
324 employees; provided that, as used in this chapter, the term "safe"  
325 or "safety" as applied to any employment or place of employment  
326 shall include conditions and methods of sanitation and hygiene  
327 reasonably necessary for the protection of the life, health,  
328 safety and welfare of employees.

329 (4) Every employer and every owner of a place of employment,  
330 place of public assembly, or public building, now or hereafter  
331 constructed shall so construct, repair and maintain the same as to  
332 render it reasonably safe.

333 **SECTION 10.** Section 71-1-27, Mississippi Code of 1972, is  
334 amended as follows:

335 71-1-27. Any officer, manager or superintendent of any mill,  
336 cannery, workshop, factory, or manufacturing establishment in  
337 which child labor is employed who shall fail or refuse to give  
338 true and correct information demanded of him by any officer



339 hereinbefore directed to inspect such mill, cannery, workshop,  
340 factory or manufacturing establishment, or who shall fail or  
341 refuse to obey any lawful order of the Office of Workplace Safety  
342 and Health or the sheriff \* \* \* the county in which said mill,  
343 cannery, workshop, factory or manufacturing establishment is  
344 located for carrying out the purpose of this chapter, shall be  
345 guilty of a misdemeanor and, upon conviction, shall be fined not  
346 less than Ten Dollars (\$10.00) nor more than One Hundred Dollars  
347 (\$100.00).

348       **SECTION 11.** (1) The Office of Job Development and Training  
349 of the Mississippi Department of Labor-Management Relations shall  
350 administer and coordinate as necessary federally and state-funded  
351 employment, training and employment-related education programs.  
352 The following training programs and funds shall be transferred to  
353 the Department of Labor-Management Relations on July 1, 2004:

354               (a) Postsecondary Adult Short-Term Training programs  
355 and funds presently administered by the State Board for Community  
356 and Junior Colleges;

357               (b) State-Funded Industrial Services training programs  
358 and funds presently administered by the State Board for Community  
359 and Junior Colleges;

360               (c) Postsecondary vocational-technical funds and  
361 programs presently administered by the State Department of  
362 Education;

363               (d) Postsecondary Carl Perkins programs and funds  
364 presently administered by the State Department of Education;

365               (e) Postsecondary Tech Prep programs and funds  
366 presently administered by the State Department of Education;

367               (f) Temporary Assistance to Needy Families (TANF) work  
368 force training programs and funds presently administered by the  
369 Department of Human Services and subcontracted to the State  
370 Department of Education;



371 (g) Job Training Partnership Act (JTPA) programs and  
372 funds presently administered by the Mississippi Department of  
373 Economic and Community Development and subcontracted to the  
374 Mississippi Employment Security Commission and any state level  
375 adult education and training funds made available by any successor  
376 program to JTPA, including the Workforce Investment Act of 1998;

377 (h) State Occupational Information and Coordinating  
378 Committee (SOICC) programs and funds presently administered by the  
379 Mississippi Department of Economic and Community Development; and

380 (i) Any other Comprehensive Employment and Training Act  
381 of 1973 federally funded support programs and funds presently  
382 administered by the Mississippi Department of Economic and  
383 Community Development.

384 (2) (a) All powers, duties and functions of the State Board  
385 for Community and Junior Colleges or the State Department of  
386 Education and the State Board of Education that are being  
387 exercised or performed by the Division of Vocational Education on  
388 June 30, 2003, utilizing funds from all sources for Adult  
389 Education and Industrial Services training, either directly or  
390 indirectly, are hereby transferred to the Office of Job  
391 Development and Training of the Mississippi Department of  
392 Labor-Management Relations on July 1, 2004. All powers, duties  
393 and functions of the State Department of Education and the State  
394 Board of Education that are being exercised or performed by the  
395 Division of Vocational Education on June 30, 2003, utilizing funds  
396 from all sources for all postsecondary vocational-technical  
397 education training funds, all postsecondary Tech Prep funds, Carl  
398 Perkins funds and all Temporary Assistance to Needy Families  
399 (TANF) work force training funds, are hereby transferred to the  
400 Office of Job Development and Training of the Mississippi  
401 Department of Labor-Management Relations on July 1, 2004. All  
402 records, property and contractual rights and obligations of, and  
403 unexpended balances of appropriations and any other allocations



404 to, the State Board for Community and Junior Colleges or the State  
405 Department of Education that relate to the powers, duties and  
406 functions exercised or performed for such programs on June 30,  
407 2003, shall be transferred to the Office of Job Development and  
408 Training of the Mississippi Department of Labor-Management  
409 Relations on or before July 1 of 2003 or 2004. The State Fiscal  
410 Officer shall transfer to the Office of Job Development and  
411 Training of the Mississippi Department of Labor-Management  
412 Relations all funds that are allocated to the State Board for  
413 Community and Junior Colleges or the State Department of Education  
414 for such programs and such funds shall be used by the Office of  
415 Job Development and Training of the Mississippi Department of  
416 Labor-Management Relations under the same terms and conditions as  
417 specified for those funds in the applicable appropriation bill.  
418 Sufficient staff shall be transferred from the agencies that will,  
419 by virtue of this act have a reduction in training and educational  
420 responsibilities, to the Office of Job Development and Training of  
421 the Mississippi Department of Labor-Management Relations to assure  
422 that those transferred responsibilities shall be properly managed  
423 and administered. Determinations as to which jobs shall be  
424 transferred shall be made by agreement between the Executive  
425 Director of the Office of Job Development and Training of the  
426 Mississippi Department of Labor-Management Relations and the chief  
427 executive of the affected transferring agencies utilizing  
428 information provided by the Legislative Budget Office necessary  
429 for the determination of personnel needs and costs of supportive  
430 services. In the event that an agreement cannot be reached  
431 between the parties, reassignments shall be created by the  
432 Legislature through the agencies' appropriation bills. Authorized  
433 transition activities may include, but not be limited to, the  
434 enhancement of the Office of Job Development and Training of the  
435 Mississippi Department of Labor-Management Relations to manage the  
436 additional federal and state funds, budgeting, accounting, grant



437 management, property management, personnel, legal and/or other  
438 administrative services. The State Board for Community and Junior  
439 Colleges or the State Department of Education shall retain  
440 responsibility to manage the closeout of all grants relating to  
441 Industrial Training Programs and Adult Education Programs, and  
442 postsecondary vocational-technical programs and postsecondary Carl  
443 Perkins programs at the end of June 30, 2004, and shall be  
444 authorized to retain sufficient grant funds to properly close-out  
445 said grant activities. Upon closeout of such grants, any  
446 remaining funds will be transferred to the Office of Job  
447 Development and Training of the Mississippi Department of  
448 Labor-Management Relations by the State Fiscal Officer. The State  
449 Board for Community and Junior Colleges or the State Department of  
450 Education shall assist the Office of Job Development and Training  
451 of the Mississippi Department of Labor-Management Relations with  
452 the greatest degree of cooperation to carry out the intent and  
453 purpose of this act and to accomplish an orderly transition.

454 (b) The allocation of postsecondary  
455 vocational-technical education funds and funds for new or expanded  
456 programs and equipment will be allocated based on a formula  
457 developed by the Office of Job Development and Training of the  
458 Mississippi Department of Labor-Management Relations, which shall  
459 be based on the specific training needs of the population served  
460 and the commitment and capacity of the facilities available for  
461 such service.

462 (c) The Office of Job Development and Training of the  
463 Mississippi Department of Labor-Management Relations shall enter  
464 into a contract with the State Department of Education that  
465 clarifies that the State Department of Education will continue to  
466 be the designated recipient of the Carl Perkins funds at the state  
467 level and said funds will continue to be administered and used in  
468 accordance with federal guidelines. The contract shall specify  
469 that all Carl Perkins funds used for postsecondary training and



470 other purposes will be transferred to the Office of Job  
471 Development and Training of the Mississippi Department of  
472 Labor-Management Relations and that the Office of Job Development  
473 and Training of the Mississippi Department of Labor-Management  
474 Relations shall have the responsibility and authority to direct  
475 and oversee such programs as may be financed with such funds.

476 (5) All powers, duties and functions of the Mississippi  
477 Department of Economic and Community Development that are being  
478 exercised or performed on June 30, 2003, and any state level adult  
479 education and training funds made available by any successor  
480 program to JTPA, including the Workforce Investment Act of 1998,  
481 utilizing funds from all sources for adult education and training,  
482 either directly or indirectly, are hereby transferred to the  
483 Office of Job Development and Training of the Mississippi  
484 Department of Labor-Management Relations on July 1, 2004. The  
485 programs and funds to be transferred shall include all Job  
486 Training Partnership Act (JTPA) funds, State Occupational  
487 Information and Coordinating Committee (SOICC) funds, and any  
488 other Comprehensive Employment and Training Act of 1973 federally  
489 funded support program funds presently administered by the  
490 Mississippi Department of Economic and Community Development and  
491 subcontracted to the Mississippi Employment Security Commission.  
492 All records, property and contractual rights and obligations of,  
493 and unexpended balances of appropriations and any other  
494 allocations to, the Mississippi Department of Economic and  
495 Community Development that relate to the powers, duties and  
496 functions exercised or performed for such programs on June 30,  
497 2003, shall be transferred to the Office of Job Development and  
498 Training of the Mississippi Department of Labor-Management  
499 Relations on or before July 1, 2004. The State Fiscal Officer  
500 shall transfer to the Office of Job Development and Training of  
501 the Mississippi Department of Labor-Management Relations all funds  
502 that are allocated to the Mississippi Department of Economic and



503 Community Development for such programs and such funds shall be  
504 used by the Office of Job Development and Training of the  
505 Mississippi Department of Labor-Management Relations under the  
506 same terms and conditions as specified for those funds in the  
507 applicable appropriation bill.

508       Sufficient staff shall be transferred from the agencies that  
509 will, by virtue of this act have a reduction in training and  
510 educational responsibilities, to the Office of Job Development and  
511 Training of the Mississippi Department of Labor-Management  
512 Relations to assure that those transferred responsibilities shall  
513 be properly managed and administered. Determinations as to which  
514 jobs shall be transferred shall be made by agreement between the  
515 Executive Director of the Office of Job Development and Training  
516 of the Mississippi Department of Labor-Management Relations and  
517 the chief executive of the affected transferring agencies  
518 utilizing information provided by the Legislative Budget Office  
519 necessary for the determination of personnel needs and costs of  
520 supportive services. In the event that an agreement cannot be  
521 reached between the parties, reassignments shall be created by the  
522 Legislature through the agencies' appropriation bills. Authorized  
523 transition activities may include, but not be limited to, the  
524 enhancement of the Office of Job Development and Training of the  
525 Mississippi Department of Labor-Management Relations to manage the  
526 additional federal and state funds, budgeting, accounting, grant  
527 management, property management, personnel, legal and/or other  
528 administrative services. The Mississippi Department of Economic  
529 and Community Development shall retain responsibility to manage  
530 the closeout of all grants relating to such programs until the end  
531 of June 30, 2005, and shall be authorized to retain sufficient  
532 grant funds to properly close out said grant activities. Upon  
533 closeout of such grants, any remaining funds will be transferred  
534 to the Office of Job Development and Training of the Mississippi  
535 Department of Labor-Management Relations by the State Fiscal





536 Officer. The Mississippi Department of Economic and Community  
537 Development shall assist the Office of Job Development and  
538 Training of the Mississippi Department of Labor-Management  
539 Relations with the greatest degree of cooperation to carry out the  
540 intent and purpose of this act and to accomplish an orderly  
541 transition.

542 (6) All powers, duties and functions of the Department of  
543 Human Services that are being exercised or performed on June 30,  
544 2003, utilizing funds from all sources for training recipients and  
545 clients of the Temporary Assistance for Needy Families program  
546 (TANF), either directly or indirectly, are hereby transferred to  
547 the Office of Job Development and Training of the Mississippi  
548 Department of Labor-Management Relations on July 1, 2004. All  
549 records, property and contractual rights and obligations of, and  
550 unexpended balances of appropriations and any other allocations  
551 to, the Department of Human Services that relate to the powers,  
552 duties and functions exercised or performed for such programs on  
553 June 30, 2003, shall be transferred to the Office of Job  
554 Development and Training of the Mississippi Department of  
555 Labor-Management Relations on or before July 1, 2004. The State  
556 Fiscal Officer shall transfer to the Office of Job Development and  
557 Training of the Mississippi Department of Labor-Management  
558 Relations all funds that are allocated to the Department of Human  
559 Services for such programs and such funds shall be used by the  
560 Office of Job Development and Training of the Mississippi  
561 Department of Labor-Management Relations under the same terms and  
562 conditions as specified for those funds in the applicable  
563 appropriation bill. Sufficient staff shall be transferred from  
564 the agencies that will, by virtue of this act have a reduction in  
565 training and educational responsibilities, to the Office of Job  
566 Development and Training of the Mississippi Department of  
567 Labor-Management Relations to assure that those transferred  
568 responsibilities shall be properly managed and administered.



569 Determinations as to which jobs shall be transferred shall be made  
570 by agreement between the Executive Director of the Office of Job  
571 Development and Training of the Mississippi Department of  
572 Labor-Management Relations and the chief executive of the affected  
573 transferring agencies utilizing information provided by the  
574 Legislative Budget Office necessary for the determination of  
575 personnel needs and costs of supportive services. In the event  
576 that an agreement cannot be reached between the parties,  
577 reassignments shall be created by the Legislature through the  
578 agencies' appropriation bills. Authorized transition activities  
579 may include, but not be limited to, the enhancement of the Office  
580 of Job Development and Training of the Mississippi Department of  
581 Labor-Management Relations to manage the additional federal and  
582 state funds, budgeting, accounting, grant management, property  
583 management, personnel, legal and or other administrative services.  
584 The Department of Human Services shall retain responsibility to  
585 manage the closeout of all grants relating to such programs at the  
586 end of June 30, 2004, and shall be authorized to retain sufficient  
587 grant funds to properly close out said grant activities. Upon  
588 closeout of such grants, any remaining funds will be transferred  
589 to the Office of Job Development and Training of the Mississippi  
590 Department of Labor-Management Relations by the State Fiscal  
591 Officer. Identification, eligibility, certification, enrollment,  
592 follow-up, performance standards and sanction liabilities of the  
593 TANF clients will remain the sole responsibility of the Department  
594 of Human Services. The Department of Human Services shall assist  
595 the Office of Job Development and Training of the Mississippi  
596 Department of Labor-Management Relations with the greatest degree  
597 of cooperation to carry out the intent and purpose of this act and  
598 to accomplish an orderly transition.

599 (7) The Office of Job Development and Training of the  
600 Mississippi Department of Labor-Management Relations shall set  
601 aside from its annual appropriation from the Legislature



602 "incentive funds" to be used exclusively by the Executive Director  
603 of the Department of Economic and Community Development, at his  
604 discretion, for the purpose of bringing additional economic  
605 development activity to the state which includes, but is not  
606 limited to, strengthening the environment within our communities  
607 for entrepreneurial growth, retaining and creating jobs, and  
608 fostering an expanding and globally competitive economy. The  
609 Department of Economic and Community Development, in conjunction  
610 with the Office of Job Development and Training of the Mississippi  
611 Department of Labor-Management Relations, shall develop a  
612 memorandum which authorizes the Executive Director of the  
613 Department of Economic and Community Development to commit said  
614 "incentive funds" and provide for use of funds, including, but not  
615 limited to, how funds will be expended, for what purpose, and time  
616 frame for use, subject to approval by the Legislature. If  
617 "incentive funds" set aside for exclusive use by the Executive  
618 Director of the Department of Economic and Community Development  
619 are not expended for stated purposes by March 30 of each funding  
620 period, said monies will revert back to the annual appropriation  
621 funds of the Office of Job Development and Training of the  
622 Mississippi Department of Labor-Management Relations to be  
623 allocated for projects by the end of June 30 with "carryover"  
624 authority to the next funding year granted to the Office of Job  
625 Development and Training of the Mississippi Department of  
626 Labor-Management Relations for funds not expended. The Office of  
627 Job Development and Training of the Mississippi Department of  
628 Labor-Management Relations will set accountability guidelines for  
629 use of such incentive funds.

630 **SECTION 12.** The following provision shall be codified as  
631 Section 37-4-17, Mississippi Code of 1972:

632 37-4-17. (1) The Legislature shall appropriate to the  
633 Office of Job Development and Training of the Mississippi  
634 Department of Labor-Management Relations those state funds to be



635 expended for postsecondary vocational-technical education. The  
636 Office of Job Development and Training of the Mississippi  
637 Department of Labor-Management Relations shall set standards for,  
638 approve and expend funds for all postsecondary vocational and  
639 technical education programs. The Executive Director of the  
640 Office of Job Development and Training of the Mississippi  
641 Department of Labor-Management Relations shall be responsible to  
642 the state board for the proper administration of the programs of  
643 postsecondary vocation and technical education in conformity with  
644 the policies adopted by the Office of Job Development and Training  
645 of the Mississippi Department of Labor-Management Relations and  
646 shall be responsible for appointing any necessary employees to  
647 assist in carrying out said programs.

648 (2) The Office of Job Development and Training of the  
649 Mississippi Department of Labor-Management Relations shall be the  
650 Division of Job Development and Training and shall retain all  
651 powers and duties granted by law to the Division of Job  
652 Development and Training and wherever the term "Division of Job  
653 Development and Training" shall appear in any law it shall mean  
654 the Office of Job Development and Training of the Mississippi  
655 Department of Labor-Management Relations. The Executive Director  
656 of the Office of Job Development and Training of the Mississippi  
657 Department of Labor-Management Relations may assign to appropriate  
658 divisions powers and duties as deemed appropriate to carry out the  
659 lawful functions of the department.

660 (3) The Office of Job Development and Training of the  
661 Mississippi Department of Labor-Management Relations is hereby  
662 designated as the sole administrator of all programs for which the  
663 state is the prime sponsor under the Comprehensive Employment and  
664 Training Act of 1973, as amended (29 USCA 801 et seq.), and the  
665 regulations promulgated thereunder, and is hereby authorized to  
666 take all necessary action to secure to this state the benefits of  
667 such legislation. The Office of Job Development and Training of



668 the Mississippi Department of Labor-Management Relations is  
669 empowered to receive and disburse funds for such programs which  
670 become available to it from any source.

671 (4) The Office of Job Development and Training of the  
672 Mississippi Department of Labor-Management Relations is hereby  
673 authorized to cooperate with or enter into agreements with any  
674 agency, official, educational institution or political subdivision  
675 of this state, any agency or official of the government of the  
676 United States of America, or any private person, firm, partnership  
677 or corporation in order to carry out the provisions of this  
678 section.

679 (5) The Office of Job Development and Training of the  
680 Mississippi Department of Labor-Management Relations is authorized  
681 to promulgate such rules and regulations as may be necessary to  
682 carry out the provisions of this section.

683 (6) To the maximum extent practicable, all programs  
684 embracing an institutional training component shall be coordinated  
685 with and complementary to the existing state public educational  
686 systems and shall not be duplicative or competitive in nature to  
687 such systems.

688 (7) The Office of Job Development and Training of the  
689 Mississippi Department of Labor-Management Relations, the State  
690 Department of Education, the board of trustees of any junior  
691 college district, the board of trustees of any school district,  
692 the Mississippi Employment Security Commission, and the Division  
693 of Job Development and Training, Office of the Governor, shall  
694 cooperate in carrying out the provisions of this act.

695 **SECTION 13.** Section 37-3-25, Mississippi Code of 1972, is  
696 amended as follows:

697 37-3-25. (1) The Director of the Division of Vocational and  
698 Technical Education of the State Department of Education who shall  
699 be an associate state superintendent of education shall be  
700 appointed by the State Superintendent of Public Education. The



701 director's salary shall be set by the State Board of Education  
702 subject to the approval of the State Personnel Board. His salary,  
703 compensation, travel expenses or other expenses shall be provided  
704 for out of any funds made available for such purpose by the  
705 Legislature, the federal government, or other gifts or grants.  
706 The director shall be responsible to the State Superintendent of  
707 Public Education for the proper administration of the programs of  
708 primary and secondary vocational and technical education in  
709 conformity with the policies adopted by the State Board of  
710 Education and shall be responsible for appointing any necessary  
711 supervisors, assistants, and employees to assist in carrying out  
712 the programs of primary and secondary vocational and technical  
713 education. The director shall have the authority to employ,  
714 compensate, terminate, promote, demote, transfer or reprimand  
715 employees of the division. The salary and compensation of such  
716 employees shall be subject to the rules and regulations adopted  
717 and promulgated by the State Personnel Board as created under  
718 Section 25-9-101 et seq.

719 (2) The Director of the Division of Vocational and Technical  
720 Education, subject to the approval of the State Board of  
721 Education, shall have charge of and be responsible for primary and  
722 secondary vocational and technical education training in:

- 723 (a) Agriculture;
- 724 (b) Occupational and consumer home economics;
- 725 (c) Consumer and homemaking education;
- 726 (d) Trades and industry;
- 727 (e) Distributive education;
- 728 (f) Secondary adult education;
- 729 (g) Teacher training and supervision;
- 730 (h) Business and office;
- 731 (i) Health;
- 732 (j) Industrial arts;
- 733 (k) Guidance services;



734           (1) Technical education;  
735           (m) Cooperative education; and  
736           (n) All other specialized primary and secondary  
737 training \* \* \*.

738           **SECTION 14.** Section 37-31-205, Mississippi Code of 1972, is  
739 amended as follows:

740           37-31-205. (1) The State Board of Education shall have the  
741 authority to:

742           (a) Expend funds received either by appropriation or  
743 directly from federal or private sources;

744           (b) Channel funds to secondary schools, community and  
745 junior colleges and regional vocational-technical facilities  
746 according to priorities set by the board;

747           (c) Allocate funds on an annual budgetary basis;

748           (d) Set standards for and approve all primary and  
749 secondary vocational and technical education programs in the  
750 public school system \* \* \* or other agencies or institutions which  
751 receive state funds and federal funds for such purposes,  
752 including, but not limited to, the following primary and secondary  
753 vocational and technical education programs: agriculture, trade  
754 and industry, occupational home economics, consumer and homemaking  
755 education, distributive education, business and office, health,  
756 industrial arts, guidance services, technical education,  
757 cooperative education and all other specialized primary and  
758 secondary training \* \* \*. The State Board of Education shall  
759 authorize local school boards, within such school board's  
760 discretion, to offer distributive education as a one-hour or  
761 two-hour block course. There shall be no reduction of payments  
762 from state funding for distributive education due to the selection  
763 of either the one-hour or two-hour course offering;

764           (e) Set and publish licensure standards for primary and  
765 secondary vocational and technical education personnel. The State  
766 Board of Education shall recognize a vocational and technical



767 education teacher's work when school is not in session which is in  
768 the teacher's particular field of instruction as a means for the  
769 teacher to fulfill the requirements for renewal of the teacher's  
770 license. The board shall establish, by rules and regulations, the  
771 documentation of such work which must be submitted to the board  
772 and the number of actual working hours required to fulfill renewal  
773 requirements. If a vocational and technical education teacher who  
774 does not have a bachelor's degree takes classes in fulfillment of  
775 licensure renewal requirements, such classes must be in  
776 furtherance of a bachelor's degree;

777 (f) Require data and information on program performance  
778 from those programs receiving state funds;

779 (g) Expend funds to expand career information;

780 (h) Supervise and maintain the Division of Vocational  
781 and Technical Education and to utilize, to the greatest extent  
782 possible, the division as the administrative unit of the board  
783 responsible for coordinating programs and services with local  
784 institutions;

785 (i) Promulgate such rules and regulations necessary to  
786 carry out the provisions of this chapter in accordance with  
787 Section 25-43-1 et seq.;

788 (j) Set standards and approve all primary and secondary  
789 vocational and technical education equipment and facilities  
790 purchased and/or leased with state and federal vocational funds;

791 (k) Encourage provisions for lifelong learning and  
792 changing personal career preferences and advancement of vocational  
793 and technical education students through articulated programs  
794 between high schools and community and junior colleges;

795 (l) Encourage the establishment of new linkages with  
796 business and industry which will provide for a better  
797 understanding of essential labor market concepts;

798 (m) Periodically review the funding and reporting  
799 processes required of local school districts by the board or





800 division with the aim of simplifying or eliminating inefficient  
801 practices and procedures; and

802 (n) Assist in the development of high technology  
803 programs and resource centers to support current and projected  
804 industrial needs.

805 \* \* \*

806 (2) The Office of Job Development and Training of the  
807 Mississippi Department of Labor-Management Relations shall set  
808 standards for, approve and expend funds for all postsecondary  
809 vocational and technical education programs. \* \* \*

810 (3) The State Board of Education and the State Board for  
811 Community and Junior Colleges may provide that every vocational  
812 and technical education course or program in Mississippi may  
813 integrate academic and vocational-technical education through  
814 coherent sequences of courses, so that students in such programs  
815 achieve both academic and occupational competencies. The boards  
816 may expend federal funds available from the 1990 Perkins Act, or  
817 other available federal funds, for the alignment of  
818 vocational-technical programs with academic programs through the  
819 accreditation process and the teacher licensure process.

820 **SECTION 15.** Section 37-31-207, Mississippi Code of 1972, is  
821 amended as follows:

822 37-31-207. The State Board of Education shall have the  
823 following duties:

824 (a) To seek the best available projections of  
825 employment and occupations for Mississippians;

826 (b) To utilize these projections and other  
827 considerations to set primary and secondary vocational and  
828 technical education priorities;

829 (c) To utilize the services of all state agencies  
830 having information regarding the purposes of this chapter;



831 (d) To cooperate with the State Board for Community and  
832 Junior Colleges to prevent duplication and provide continuity of  
833 employment and training services;

834 (e) To conduct evaluations of the success or failure of  
835 primary and secondary vocational-technical programs, including the  
836 extent to which training actually leads to jobs in the field in  
837 which the student was trained;

838 (f) Obtain and publish data and information on program  
839 performance from those primary and secondary vocational-technical  
840 programs receiving state funds; and

841 (g) To notify local school districts \* \* \* prior to  
842 March 1 annually of any discontinuation of ongoing vocational  
843 programs which would affect the renewing of contracts with  
844 vocational personnel.

845 **SECTION 16.** Section 37-31-209, Mississippi Code of 1972, is  
846 amended as follows:

847 37-31-209. (1) Any advisory council, other than the special  
848 management advisory board, serving the board shall include five  
849 (5) members who are presidents of public community/junior colleges  
850 located in the State of Mississippi, and three (3) members who are  
851 superintendents of education of a countywide, municipal separate  
852 or consolidated school district.

853 (2) In addition to any other requirements of law, it is made  
854 the duty of the advisory council and it is hereby granted the  
855 authority to:

856 (a) Advise the State Board of Education in the  
857 development of comprehensive policies and programs for the  
858 improvement of primary and secondary vocational-technical  
859 education in the state;

860 (b) Assist in the formulation of rules, regulations and  
861 standards relating to primary and secondary vocational-technical  
862 education programs by submitting written recommendations prior to  
863 their adoption and promulgation by the board; and



864 (c) Assist in the promotion of public understanding of  
865 the purposes, policies and practices regarding primary and  
866 secondary vocational-technical education in this state.

867 (3) The additional members of the advisory council may meet  
868 with the board in a nonvoting capacity at regular meetings of the  
869 board when the board is not in executive session.

870 (4) The additional members required by this section shall be  
871 reimbursed for their expenses in the same manner and from the same  
872 source as other members.

873 **SECTION 17.** Section 37-31-211, Mississippi Code of 1972, is  
874 amended as follows:

875 37-31-211. (1) The Legislature shall appropriate to the  
876 State Board of Education those state funds to be expended by the  
877 board through the Division of Vocational for primary and secondary  
878 vocational-technical education.

879 (2) The Legislature shall appropriate to the Office of Job  
880 Development and Training of the Mississippi Department  
881 Labor-Management Relations those state funds to be expended for  
882 postsecondary vocational-technical education.

883 **SECTION 18.** Section 57-1-56, Mississippi Code of 1972, is  
884 amended as follows:

885 57-1-56. The Occupational Information Coordinating Committee  
886 shall be located within the Office of Job Development and Training  
887 of the Mississippi Department of Labor-Management Relations and  
888 shall develop and implement an occupational information system for  
889 vocational education, employment and training programs.

890 **SECTION 19.** Sections 7-1-351, 7-1-355, 7-1-357, 7-1-361,  
891 7-1-363, 7-1-365 and 7-1-371, Mississippi Code of 1972, which  
892 authorize the Department of Economic and Community Development to  
893 administer, issue regulations and enter into contracts regarding  
894 the federal Comprehensive Employment and Training Act programs,  
895 are hereby repealed.



896           **SECTION 20.** The Office of Employee Relations and Job  
897 Discrimination of the Department of Labor-Management Relations  
898 shall do all in its power to promote the voluntary arbitration,  
899 mediation and conciliation of disputes between employers and  
900 employees, and to avoid strikes, picketing, lockouts, boycotts,  
901 blacklist, discriminations and legal proceedings in matters of  
902 employment. In pursuance of this duty the office may appoint  
903 temporary boards of arbitration, provide necessary expenses of  
904 such boards, order reasonable compensation for each member engaged  
905 in such arbitration, prescribe rules for such arbitration boards,  
906 conduct investigations and hearings, publish reports and  
907 advertisements, and may do all things convenient and necessary to  
908 accomplish the purpose. The office may designate a mediator and  
909 may detail employees or persons not in the office from time to  
910 time for the purpose of executing such provisions. Nothing in  
911 this section shall be construed to in anyway prohibit or limit  
912 employees' right to bargain collectively.

913           **SECTION 21.** The Office of Disabled Employee Assistance of  
914 the Mississippi Department of Labor-Management Relations shall  
915 function as an information clearinghouse and referral service for  
916 employees and employers regarding any aspect of the federal  
917 Americans With Disabilities Act, which prohibits discrimination in  
918 all terms and conditions of employment regarding private and  
919 public employers.

920           **SECTION 22.** This act shall take effect and be in force from  
921 and after July 1, 2003.

